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May 26, 2022

**VIA ECF**

Honorable Lewis J. Liman  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: Martinenko v. 212 Steakhouse, Inc.  
No. 22 CV 518 (LJL)**

Dear Judge Liman:

We represent the Plaintiff in the above-referenced action. I write to respectfully request a three-month extension of the discovery deadline in this case – from October 6, 2022 to January 6, 2022 – in light of (1) Your Honor’s granting Plaintiff’s motion for conditional collective certification and (2) Defendants’ delay in responding to Plaintiff’s discovery requests as the result of a death in Defendants’ counsel’s family.

At the initial conference, the Court directed the parties to confer about whether additional time for discovery would be needed if Plaintiff’s motion for conditional collective certification was granted. As the Court has granted that motion, and the opt-in period will close on July 9, 2022, a discovery extension is appropriate to ensure sufficient time to take any discovery related to Opt-in Plaintiffs.

In addition, Plaintiff served her discovery requests on Defendants on April 7, 2022. Defendants’ responses were due on May 9, 2022, but Defendants have not yet responded. In accordance with your Honor’s Individual Practices, in the morning of May 19, 2022, I asked Defendants’ counsel via e-mail to tell me when he was available in the next 48 hours to meet and confer about Defendants’ outstanding discovery. Defendants’ counsel responded in the afternoon of May 23, 2022 and informed me that his father’s burial had occurred the previous day. Defendants’ counsel has not responded to a subsequent e-mail I sent concerning scheduling, and I do not know when he will be returning to work.

Accordingly, in light of the above, I respectfully request a three-month extension of the discovery deadline. This is the first request for an extension, and a proposed revised Case Management Plan is attached hereto as Exhibit 1. I asked Defendants' counsel for his position on this request but did not receive a response. In addition, I respectfully request that the Court set a deadline for Defendants to respond to Plaintiff's discovery requests that is reasonable under the circumstances. I thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Denise A. Schulman  
Denise A. Schulman

cc: All counsel (via ECF)